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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/671,424

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Michael L. Grandcolas

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KILPATRICK STOCKTON LLP  
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EXAMINER

COLBERT, ELLA

ART UNIT

PAPER NUMBER

3694

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

09/671,424

**Applicant(s)**

GRANDCOLAS ET AL.

**Examiner**

Ella Colbert

**Art Unit**

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 51 and 52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 51 and 52 are pending in this communication filed 11/01/06 entered as Response to Non-Final Action and Request for Extension of Time.

#### ***Abstract Objection***

2. Applicants' abstract is objected to because the abstract contains at least 270 words.

Applicants' are reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,539,361) Richards et al, hereafter Richards.

As per claim 51, Richards discloses, A platform-independent method for configuring a self-service financial transaction device in a global communications network having a plurality of nodes interconnected with communication lines, comprising: receiving a session request from a user using a transaction card at an interactive interface to access said self-service financial transaction device and ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a local or international user (col. 11, line 46-col. 13, line 54, col. 14, line 15-22 and line 56-col. 15, line 65 and col. 16, lines 17-50); selectively associating said session request with pre-stored parameters for configuring a standardized user specific interactive interface, wherein said parameters consist at least in part of a set of parameters for determining financial application functions to be offered to the user based on the status of the user as a customer or non-customer and a set of parameters for determining language application functions to be offered to the user based on the status of the user as a local or international user (col. 16, lines 10-67 and col. 17, line 1-col. 18, line 4); and displaying said standardized customer-specific interactive interface to provide said user with the offering of financial application functions depending on the status of the user as a customer or non-customer and language application functions depending on the status of the user as a local or international user (col. 22, line 30-col. 23, line 52, col. 24, lines 9-21 and line 46-col. 25, line 40). It is noted that this claim requires only one of the recited elements. – The elements are customer or non-customer and local or international user. Richards did not expressly disclose “ascertaining from the transaction card a status of the user as a

customer or non-customer and a status of the user as a local or international user.

However, Richards does disclose a touch screen which includes an icon which indicates in one or more languages that to commence a transaction the user should touch the screen –col. 11, lines 46-49 and the card reader reading the card data – col. 12, line 33-37. This is interpreted as determining the status of the user as a customer or a non-customer and a local or international user.

As per claim 52, Richards discloses, A platform-independent method for configuring a self-service financial transaction device in a global communications network having a plurality of nodes interconnected with communication lines, comprising: receiving a session request from a user using a transaction card at an interactive interface to access said self-service financial transaction device and ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a vision impaired or vision unimpaired user (col. 11, line 46-col. 13, line 54, col. 14, line 15-22 and line 56-col. 15, line 65, col. 16, lines 17-50, and col. 35, lines 13-29); selectively associating said session request with pre-stored parameters for configuring a standardized user specific interactive interface, wherein said parameters consist at least in part of a set of parameters for determining financial application functions to be offered to the user based on the status of the user as a customer or non-customer and a set of parameters for determining language application functions to be offered to the user based on the status of the user as a vision impaired or vision unimpaired user (col. 16, lines 10-67 and col. 17, line 1-col. 18, line 4); and displaying said standardized customer-specific interactive interface to provide

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said user with the offering of financial application functions depending on the status of the user as a customer or non-customer and language application functions depending on the status of the user as a vision impaired or vision unimpaired user (col. 22, line 30-col. 23, line 52, col. 24, lines 9-21 and line 47-col. 25, line 40). It is noted that this claim requires only one of the recited elements. – The elements are customer or non-customer and vision impaired or vision unimpaired user. Richards did not expressly disclose “ascertaining from the transaction card a status of the user as a customer or non-customer and a status of the user as a vision impaired or vision unimpaired user. However, Richards does disclose a touch screen which includes an icon which indicates that to commence a transaction the user should touch the screen –col. 11, lines 46-49 and the card reader reading the card data – col. 12, line 33-37. This is interpreted as determining the status of the user as a customer or a non-customer. Richards in col. 7, line 16-18 – “Alternative embodiments of the invention may include other output devices such as audio speakers” which indicates that a person who is visually impaired can use the ATM machine.

### **Response to Arguments**

5. Applicants’ arguments filed 11/01/06 have been fully considered but they are not persuasive.

Issue no. 1: Applicants’ argue: Support for vision impaired users according to Applicants’ claimed invention is treated substantially as if it were a different language, and the phrases displayed on the screens are slightly different, but the same basic application is used to drive them, and there are also differences in screen text so that

instructions can be more easily read by a screen reader for vision impaired users and consequently Richards does not disclose or even suggest, the required combinations of limitations recited in claims 51 and 52 has been considered but is not persuasive.

Response: Claim 51 does not contain any language in the claim limitations directed toward vision impaired users. The claim limitations simply recite "a user using a transaction card at an interactive interface to access a self-service terminal ... ascertaining from the transaction card a status of the user as a customer or non-customer and a local or international user then determining the status of the customer and the language then displaying a customer-specific interactive interface depending on the status of the customer according to whether the user is a customer or non-customer or local or international. Nothing is in the claim language reciting that the user is visually impaired or vision unimpaired. Since this is what the Applicants' consider to be their novel feature, it is suggested that a claim limitation be added to claim 51. Also, the method claims are not in the proper method claim format. Claim 51, the second claim limitation should begin with "associating, selectively said session ...". Claim 52 has a similar issue with the claim language. The claims have been given their broadest reasonable interpretation in light of the specification. Therefore, the Examiner considers Richards to disclose the claim limitations in claims 51 and 52 and what is well known in the art of handicapped users of self-service machines. "We are not persuaded by any sound reason why, at any time before the patent is granted, an applicant should have limitations of the specification read into a claim where no express statement of the limitation is included in the claim ... However, this court has consistently taken the tack

that claims yet unpatented are to be given their broadest reasonable interpretation consistent with the specification during the examination of a patent application since the applicant may then amend the claims, the thought being to reduce the possibility that, after the patent is granted, the claims may be interpreted as giving broader coverage than is justified." In re Prater, 162 USPQ 541 (CCPA 1969).

Issue no. 2: Applicants' argue: the Examiner has failed to establish the required prima facie case of unpatentability has been considered but is not persuasive.

Response: After "Having established that the knowledge was in the art, the Examiner could then properly rely, as put forth by the solicitor, on a conclusion of obviousness from common knowledge and common sense of the person of ordinary skill in the art without any specific hint or suggestion in a particular reference." In re Bozek, 163 USPQ 545 (CCPA 1969). Therefore, after this being said, the Examiner disagrees that a prima facie case of unpatentability has failed to be established by the Examiner.

This rejection is being made final in an attempt to give the Applicants' an opportunity to amend their claims to more distinctly claim that which they regard as their invention.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **Inquiries**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
ELLA COLBERT  
PRIMARY EXAMINER

January 17, 2007